

The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

(R.S. §2116.)

#### CODIFICATION

R.S. §2116 derived from act June 30, 1834, ch. 161, §12, 4 Stat. 730.

#### CROSS REFERENCES

Patents to be held in trust, descent and partition, see section 348 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 941k, 1724, 1757, 1772c, 1774f of this title.

### § 178. Fees on behalf of Indian parties in contests under public land laws

In contests initiated by or against Indians, to an entry, filing or other claims, under the laws of Congress relating to public lands for any sufficient cause affecting the legality or validity of the entry, filing or claim, the fees to be paid by and on behalf of the Indian party in any case shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Secretary of the Interior or such officer as he may designate.

(Mar. 3, 1893, ch. 209, §1, 27 Stat. 631; 1946 Reorg. Plan No. 3, §403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

"Secretary of the Interior or such officer as he may designate" substituted in text for "Commissioner of the General Land Office" on authority of section 403(d) and (e) of Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, which abolished office of Commissioner of General Land Office and transferred functions of General Land Office to Secretary of the Interior or such officers and agencies of Department of the Interior as he may designate.

### § 179. Driving stock to feed on lands

Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of \$1 for each animal of such stock. This section shall not apply to Creek lands.

(R.S. §2117; Mar. 1, 1901, ch. 676, §37, 31 Stat. 871; June 30, 1902, ch. 1323, §17, 32 Stat. 504.)

#### CODIFICATION

R.S. §2117 derived from act June 30, 1834, ch. 161, §9, 4 Stat. 730.

#### CROSS REFERENCES

Penalties, recovery of, see section 201 of this title.

### § 180. Settling on or surveying lands belonging to Indians by treaty

Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of \$1,000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands.

(R.S. §2118.)

#### CODIFICATION

R.S. §2118 derived from act June 30, 1834, ch. 161, §11, 4 Stat. 730.

### § 181. Rights of white men marrying Indian women; tribal property

No white man, not otherwise a member of any tribe of Indians, who may after August 9, 1888, marry an Indian woman, member of any Indian tribe in the United States, or any of its Territories except the Five Civilized Tribes in the Indian Territory, shall by such marriage after August 9, 1888, acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

(Aug. 9, 1888, ch. 818, §1, 25 Stat. 392.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 182 of this title.

### § 182. Rights of Indian women marrying white men; tribal property

Every Indian woman, member of any such tribe of Indians, who may be married after August 9, 1888, to any citizen of the United States, is hereby declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in sections 181 to 183 of this title contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

(Aug. 9, 1888, ch. 818, §2, 25 Stat. 392.)

#### CROSS REFERENCES

Indians born within territorial limits of United States declared citizens but grant of citizenship does not affect right to tribal property, see section 1401 of Title 8, Aliens and Nationality.

### § 183. Marriage of white men to Indian women; evidence

Whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.